

2020 SEP 22 A 10:40

ORDINANCE NO. 2020-34

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY,
INDIANA, TO REZONE CERTAIN REAL ESTATE FROM I3, NB & GB TO NB

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA:

Section I: The Unified Zoning Ordinance of Tippecanoe County, Indiana being a separate ordinance and part of the Municipal Code of Lafayette, Indiana is hereby amended to rezone the following described real estate situated in LAFAYETTE-FAIRFIELD TWP-LSC-B, Tippecanoe County, Indiana, to-wit:

See Attachment Exhibit A

Section II: The above described real estate should be and the same is hereby rezoned
from I3, NB & GB to NB.

Section III: This Ordinance shall be in full force and effect from and after its adoption.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE,
INDIANA, THIS _____ DAY OF _____, 2020.**

Nancy Nargi, Presiding Officer

ATTEST:

Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the _____ day
of _____, 2020.

Cindy Murray, City Clerk

This Ordinance approved and signed by me on the _____ day of _____, 2020.

Tony Roswarski, Mayor

Attest:

Cindy Murray, City Clerk

EXHIBIT A

LEGAL DESCRIPTIONS FOR RE-ZONE – 310 NORTH EARL AVENUE

Parcel I-B

A strip of ground 25 feet in width in the Southwest Quarter of Section 22 in Township 23 North, Range 4 West in Tippecanoe County Indiana, more particularly described as follows:

Beginning at a point 770.5 feet North and 1645.2 feet East of the Southwest corner of the Southwest Quarter of Section 22, in Township 23 North, Range 4 West; thence North 25 feet; thence East and parallel with the South line of said Southwest Quarter of said Section 22, to the O'Farrall Gravel Road or Earl Avenue as now laid out and established; thence South to a point 770.5 feet North of the South line of said Southwest Quarter, Section 22; thence West to the place of beginning, fifteen hundredths acre, more or less.

Parcel II-A (Parcel No. 79-07-22-380-011.000-004)

A part of the Southeast Quarter of the Southwest Quarter of Section 22 in Township 23 North, Range 4 West in Tippecanoe County Indiana, more particularly described as follows:

Beginning at a point on the North right of way line of the Peerless Switch twenty-five (25) feet East and sixty-five and 8/10 (65.8) feet North of the Northeast corner of Lot 25 in Clegg's parkway Addition to the City of Lafayette, Indiana; thence North and parallel with the East line of said Lot 25 extended North, to the Southerly line of the Rossville Road a distance of one hundred eighty-seven and 3/10 (187.3) feet, more or less; thence Northeasterly along said Southerly line of the Rossville Road to the Westerly line of Earl Avenue a distance of three hundred (300) feet, more or less; thence Southwesterly along said Westerly line of Earl Avenue to the North right of way line Peerless Switch a distance of 250 feet, more or less; thence West along said North right of way line to the place of beginning, a distance of 264.6 feet, more or less, containing 1.39 acres, more or less.

Z-2803
CASON AND EARL, LLC
I3, NB, & GB to NB

Staff Report
September 10, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by attorney Daniel Teder, is requesting rezoning of 1.54 acres located at the southwest corner of Cason Street and North Earl Avenue, specifically 310 N. Earl Avenue in Lafayette, Fairfield 22 (SW) 23-4. Petitioner plans to construct a building to relocate an existing real estate office to this location from downtown.

ZONING HISTORY AND AREA ZONING PATTERNS:

Most of this property is zoned I3. The 1965 zoning map for Lafayette shows this property was zoned Industrial and it has remained that way since. The map also indicates an old railroad spur line along the southern border of the rezone site. The centerline of this spur is the zone boundary between I3 to the north and NB and GB to the south. This narrow sliver of NB and GB zoning within this old railroad spur is included in this request.

Land adjacent to the west is zoned I3. Property to the southwest is zoned NB; GB zoning wraps around this site from the southeast, east and to the north. The entire Earl Street corridor is zoned commercially north of Kossuth Street other than this property and the entrance to Portledge Commons Subdivision farther to the north. This entrance, like the rest of this apartment complex, is zoned R3.

AREA LAND USE PATTERNS:

This lot is currently unimproved. The old structures on site were removed in 2016 according to our historical aeriels. A gas station is on land to the south. To the north across Cason Street is a small integrated center. East across Earl Avenue is Von Tobel Lumber. Land to the west is unimproved but is currently being used as a staging area for the construction of the multi-family apartments under construction west of 30th Street.

TRAFFIC AND TRANSPORTATION:

The site has frontage on Cason Street, classified as an urban local and Earl Avenue, classified as an urban secondary by the adopted *Thoroughfare Plan*. The setback along Cason is 25' and 40' along Earl. Driveway access will be handled at the permit stage by the City Engineer's office.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The site is served by city sewer and water. Drainage will be reviewed by the City Engineer's office at the permit stage. A 20' wide "type A" bufferyard is required where NB zoning meets I3 zoning; although the need for this buffer will be determined by the City

Engineer's Office since both sides of the potential zone boundary are owned by the same entity.

STAFF COMMENTS:

Petitioner is proposing to build a 10,000-square foot building to be used for a real estate office. The petitioner is relocating from downtown. The site will develop in compliance with the zoning standards in place today. The majority of Earl Avenue north of Kossuth has been zoned commercially for over 50 years. Staff can support this change from industrial zoning to a zone that matches the rest of this established commercial corridor.

STAFF RECOMMENDATION:

Approval

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242
(765) 423-9154 [FAX]
www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

September 17, 2020
Ref. No.: 2020-235

Lafayette Common Council
20 N 6th Street
Lafayette, IN 47901

CERTIFICATION

RE: Z-2803 CASON & EARL, LLC (I3, NB & GB to NB):

Petitioner is requesting rezoning of 1.54 acres located at the southwest corner of Cason Street and North Earl Avenue, specifically 310 N. Earl Avenue in Lafayette, Fairfield 22 (SW) 23-4.

Dear Council Members:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on September 16, 2020, the Area Plan Commission of Tippecanoe County voted 17 yes - 0 no on the motion to rezone the subject real estate from I3, NB & GB to NB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Lafayette Common Council that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Lafayette Common Council at their October 5, 2020 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey
Executive Director

SDF/crl

Enclosures: Staff Report & Ordinances

cc: John B. Scheumann
Daniel Teder, Reiling Teder & Schrier
Jeromy Grenard, City Engineer